

DETAILED ACTION

The amendment submitted on 9/4/2009 has been entered. The active claims are 1-24 of which claims 1, 7, 9, 13 and 14 are independent claims.

Claim Rejections - 35 USC § 112, 2nd paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Scope of claims 1-24 is not clear. The preambles of independent claims call for automatically determining a device's nickname in a network based on a peer-to-peer scheme. However, the recitations in the body of the claims are not related to or based on a peer-to-peer scheme.

Applicants are requested to identify the support of the amendment in the specification in accordance with 37 CFR 1.111c.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimori (USP 7,009,942) in view of Fellman (USP 6,980,990).

See Figures 8 and 12 and the corresponding description in Fujimori. Fujimori teaches:

Claim 1, 9, 13, 14, 15,

A method (flow charts in Figures 8 and 12) of automatically determining a device's nickname the method (column 1, line 9-12), comprising:

recognizing a first device that has been connected to a network (see “detecting means” in column 2 line 9-10) without being assigned any nickname, wherein the nickname identifies a characteristic of the first device and can be recognized by the network;

selecting a nickname (column 8, line 27-33) for the recognized first device from a recommended nickname table which is also connected to the network; and

registering information (inherent, see “memory stores connection information” in claim 1) regarding the selected nickname in a nickname registration- managing module connected to the network.

The only difference is that Fujimori does not explicitly state that the names are from a table. Assigning names from a name table is well known in network or communication art.

See at least the title and the abstract in Fellman. Fellman teaches a name assigning system for assigning and registering names to devices connected to Internet. From the teaching of Fellman, it would have been obvious to a person of ordinary skill to assign names from a table to devices connected to a network so that the user is able to make names he like available to the name selection system of Fujimori.

Claim 2, 10

This is nothing more than an interlock signal indicating to the name assigning system that a device is newly connected to the network and requires a name assignment. The signal is inherent.

Claim 3, 4, 11, 12

See steps SA5 in Figure 8 and step SB4 in Figure 12. The newly connected device is detected by a monitoring device.

Claims 5, 6, 7, 8, 16

Inherent. That is exactly why newly connected device requires name assignment so as to be uniquely identified in a network.

Claims 17,

The claims merely consist of non-functional descriptive materials which have no functional relationship to the method steps of their parent claims. The claims therefore are not patentably distinct over the applied references.

Claim 18,

See IP address in column 1/line 23-29, 40, 50 and 55 in Fellman.

Claim 19,

See DNS in column 1/line 17, 23, 33, 41 of Fellman.

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Claims 20-24

In column 8/line 27-33, Fujimori teaches that “(i)n a line name column, the line name specific to each apparatus is displayed which was automatically assigned when the apparatus was connected to the mLAN system”. The module in Fujimori which triggers the assigning performs the requesting of the determination of the nickname of the first device.

RESPONSE

Applicants relied on the recitation “in a network on a network based on a peer-to-peer scheme” newly inserted in the preambles for patentability. No patentable weight is given to the limitation because the invention as recited in the body of the claims is independent from whether or not the network is in a peer-to-peer scheme. Further, Applicants did not provide any arguments as to why the limitation is patentably distinct over the applied references as required by 37 CFR 1.111c. The court held that simply pointing out what a claim requires with no attempt to point out how the claims patentably distinguish over the prior art does not amount to a separate argument for patentability. In re Nielson, 816 F.2d 1567, 2 USPQ 1525 (Fed. Cir. 1987). Still further, whether or not the network is peer-to-peer is immaterial to Applicants’ invention as disclosed. The limitation “peer-to-peer” is mentioned only once in [0007] under “DESECIRPTION OF THE RELATED ART”.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID Y. ENG whose telephone number is 571-272-3984. The examiner can normally be reached on M-F from 8AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SALEH NAJJAR, can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/DAVID Y. ENG/
Primary Examiner, Art Unit 2455